

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

DELORA J. EDMONDS

Claimant

VS.

LAWRENCE MEMORIAL HOSPITAL

Respondent

AND

PHICO INSURANCE COMPANY

Insurance Carrier

Docket No. 192,329

ORDER

Claimant requested review of the Award dated June 7, 1996, entered by Special Administrative Law Judge Douglas F. Martin. The Appeals Board heard oral argument November 21, 1996.

APPEARANCES

Frank D. Taff of Topeka, Kansas, appeared for the claimant. Steven J. Quinn of Kansas City, Missouri, appeared for the respondent and its insurance carrier.

RECORD AND STIPULATIONS

The record considered by the Appeals Board and the parties' stipulations are listed in the Award.

ISSUES

The Special Administrative Law Judge awarded claimant permanent partial disability benefits for a 16 percent functional impairment to the left lower extremity. Claimant asks the Appeals Board to review the findings regarding nature and extent of injury and the amount of compensation due. Those are the only issues before the Appeals Board on this review.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, the Appeals Board finds as follows:

The Award entered by the Special Administrative Law Judge should be modified to increase the number of weeks of permanent partial disability benefits claimant is entitled to receive as a result of her scheduled injury to the left lower extremity.

The parties stipulated that the claimant sustained personal injury by accident arising out of and in the course of employment with the respondent on March 6, 1993. The parties also stipulated that the claimant has suffered a 16 percent permanent partial impairment of function to the left leg which converts to a 6 percent whole body functional impairment. The Special Administrative Law Judge found claimant's injuries were limited to the left leg and awarded claimant permanent partial disability benefits pursuant to the "scheduled injury" statute, K.S.A. 1992 Supp. 44-510d. The Appeals Board agrees with those conclusions.

Claimant contends that she has sustained a "nonscheduled injury" and argues she is entitled to receive a work disability under K.S.A. 1992 Supp. 44-510e. Although it is evident that claimant's treating orthopedic surgeon, Richard G. Wendt, M.D., found claimant's symptoms were limited to the left leg, claimant premises her argument for permanent partial general disability benefits upon the fact that she was restricted from repetitively bending at the waist. It is well settled that it is the site of the impairment, not the site of the trauma, which determines whether an injury is "scheduled" or "non-scheduled". See Bryant v. Excel Corp., 239 Kan. 688, 722 P.2d 579 (1986) and Fogle v. Sedgwick County, 235 Kan. 386, 680 P.2d 287 (1984).

Based upon the testimony of Dr. Wendt, the Appeals Board finds claimant's injury and impairment is confined to the left leg. Dr. Wendt testified that claimant has meralgia paresthetica. The condition is marked by pain and numbness in the outer surface of the thigh in the region supplied by the lateral femoral cutaneous nerve. The condition is caused by the entrapment of that nerve at the inguinal ligament. It is a rare condition. The doctor was definite in his opinion that claimant's injury did not impair claimant's hip and that claimant's symptoms and impairment are confined to the left leg. Dr. Wendt's testimony regarding the site of the impairment is uncontroverted.

Because claimant's injury is to the left leg, K.S.A. 1992 Supp. 44-510d(a)(16) provides that temporary total and permanent partial disabilities shall not exceed 200 weeks. Because the Special Administrative Law Judge used 190 weeks rather than 200 weeks the Award should be modified to reflect the latter.

The Appeals Board adopts the Special Administrative Law Judge's findings and the conclusions as set forth in the Award to the extent they are not inconsistent with the above.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award dated June 7, 1996, entered by Special Administrative Law Judge Douglas F. Martin should be, and hereby is, modified.

WHEREFORE, AN AWARD OF COMPENSATION IS HEREBY MADE IN ACCORDANCE WITH THE ABOVE FINDINGS IN FAVOR of the claimant, Delora J. Edmonds, and against the respondent, Lawrence Memorial Hospital, and its insurance carrier, Phico Insurance Company, for an accidental injury which occurred March 6, 1993, and based on an average weekly wage of \$246.95.

Claimant is entitled to 32 weeks of permanent partial disability at the rate of \$164.64 per week for a 16% permanent partial disability of the leg, a scheduled injury, making a total award of \$5,268.48, all of which is due and payable in one lump sum, less any amounts previously paid.

The Appeals Board hereby adopts the remaining orders of the Special Administrative Law Judge as set forth in the award to the extent they are not inconsistent with above.

IT IS SO ORDERED.

Dated this ____ day of December 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Frank D. Taff, Topeka, KS
Steven J. Quinn, Kansas City, MO
Douglas F. Martin, Special Administrative Law Judge
Floyd V. Palmer, Administrative Law Judge
Philip S. Harness, Director